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MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 377—L. A., Bangalore-1, dated 9th April 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Land Reforms (Amendment) Bill, 1965** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE LAND REFORMS (AMENDMENT) BILL, 1965.

A Bill to amend the Mysore Land Reforms Act, 1961.

WHEREAS it is expedient to amend the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows.—

1 Short title and commencement.—(1) This Act may be called the Mysore Land Reforms (Amendment) Act, 1965.

(2) It shall come into force at once.

2 Amendmeat of section 2.—In section 2 of the Mysore Land Reforms Act, 1961 (hereinafter referred to as the principal Act),—

(1) in sub-section (A),—

(*a*) for clause (30), the following clause shall be substituted namely.—

"(30) "seaman" means a person including a master, pilot or apprentice employed or engaged as a member of the crew of a ship or sailing vessel to which the Merchant Shipping Act, 1958 (Central Act 44 of 1958) applies;"

(') after clause (31), the following clause shall be inserted, namely :—

"(31 A) "soldier" means a person in the service of the armed forces of the Union, and includes in the case of a soldier who has died while engaged in operations for the defence of India, the spouse, the child and grand child who were dependent upon such soldier at the time of his death :

Provided that if a question arises whether any person is a soldier or whether any soldier has died while engaged in operations for the

defence of India, such question shall be decided by the State Government, and its decision shall be final;"

(c) for clause (34), the following clause shall be substituted, namely:—

"(34) "tenant" means an agriculturist who holds land on lease from a landlord and includes,—

(i) a person who is deemed to be a tenant under section 4;

(ii) a person who was protected from eviction from any land by the Mysore Tenants (Temporary Protection from Eviction) Act, 1961;

(iii) a person who is a permanent tenant; and

(iv) a person who is a protected tenant;

Explanation:—A person who takes up a contract to cut grass, or to gather the fruits or other produce of any land, shall not on that account only be deemed to be a tenant;";

(2) in sub-section (B), for the words and figures "the Mysore Land Revenue Code, 1888, or any corresponding law in force in any area of the State", the words and figures "the Mysore Land Revenue Act, 1964" shall be substituted.

3. Amendment of section 5.—In clause (v) of proviso (b) to sub-section (1) of section 5 of the principal Act, for the words "a serving member of the Armed Forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted.

4. Amendment of section 7.—In sub section (1) of section 7 of the principal Act, the words "for a period of six consecutive years" shall be omitted.

5. Amendment of section 13.—In section 13 of the principal Act, sub-section (4) shall be omitted.

6 Amendment of section 14.—In section 14 of the principal Act,—

(1) in sub-section (1), for the words "other than land held by a permanent tonant", the words, figures, letter and brackets "other than land referred to in the first proviso to clause (29) of sub-section (A) of section 2" shall be substituted.

(2) in sub-section (6),—

(*a*) after category (ii), the following categories shall be inserted, namely.—

"(iii) a widow ;

"(iv) an unmarried woman ;" ;

(*b*) after clause (b), the following clauses shall be inserted, namely.—

"(*c*) in the case of category (iii), she remarries ;

(*d*) in the case of category (iv), she marries ;"

7 Amendment of section 15.—In section 15 of the principal Act,—

(1) in the heading for the words "members of Armed Forces" the words "soldiers and seamen" shall be substituted ;

(2) for sub-section (1), the following sub-section shall be substituted, namely.—

"(1) Where the landlord is a soldier or seaman—

(*a*) he shall be entitled to resume land to the extent of the ceiling area whether his tenant is a protected tenant or not ;

(*b*) he shall be liable to file the statement under sub-section (1) of section 14 and his tenant shall be competent to make an application under sub-section (1) of section 58,—

(i) in the case of a soldier in service in the Armed Forces of the Union, within one year from the date on which he is released from the Armed Forces or is sent to the Reserve ;

(ii) in the case of a spouse or child or grand child of a soldier, within one year from the date of the death of such soldier;

(iii) in the case of a seaman, from the date on which he ceases to be a seaman;

(*c*) after a certificate is issued in respect of any land under sub-section (1) of section 14, he shall be granted possession of such land as soon as may be after making an application for such possession, but the tenants shall not be dispossessed before the crops, if any, grown on such land by such tenants are harvested."

(3) In sub-section (2), for the words "serving member of the armed forces", the words "a soldier or seaman" shall be substituted.

8. Amendment of section 16.—In section 16 of the principal Act, after clause (10), the following clauses shall be inserted, namely.—

"(10A) If any person has after the 18th November 1961 and before the appointed day transferred any land, then in calculating the extent of land owned by such person for purposes of the preceding clauses, the area so transferred shall be taken into consideration, and land exceeding the resumable area so calculated shall be deemed to be non-resumable land, and such person shall not be entitled to resume such non-resumable land.

Explanation.—For purposes of this clause, a land shall be deemed to have been transferred, if it has been transferred by act of parties (whether by sale, gift, mortgage with possession, exchange, lease or any other disposition) made *inter vivos.*

(10B) No person shall be entitled to resume any land from a tenant in the Bombay Area unless he had given a notice to such tenant under section

31 of the Bombay Tenancy and Agricultural Lands Act, 1948, before the 11th March 1957, and where such notice had been given by any person, the extent of land, if any, resumable, shall be subject to the restrictions and conditions specified in the said Act, as in force before the 1st January 1957.

(10C) No person shall be entitled to resume any land from a tenant in the Hyderabad Area unless he had filed a statement of reservation of land under the proviso to sub-section (1) of section 44 or section 44A of the Hyderabad Tenancy and Agricultural Lands Act, 1950, before the 13th May 1957, and where such statement had been filed by any person, the land if any, resumable shall be subject to the restrictions and conditions specified in the said Act, as in force before the 1st January 1957."

9. Amendment of section 21.—In clause (*a*) of sub-section (2) of section 21 of the principal Act, for the words "a serving member of the armed forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted.

10. Amendment of section 22.—In section 22 of the principal Act,—

(1) in sub-section (1), after the words "order of a court of law", the words and figures "or anything contained in any enactment or law repealed by section 142 or in any other law in force before the commencement of such enactment or law" shall be inserted;

(2) in sub-section (3), for the words, "a serving member of the armed forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted.

11. Substitution of new section for section 25.—For section 25 of the principal Act, the following section shall be substituted, namely:—

"**25. Surrender of land by tenant.**—(1) No tenant shall surrender any land held by him as such, and no landlord shall enter upon the land surrendered by the tenant, without the previous permission in writing of the Tribunal.

(2) Permission under sub-section (1) shall be granted if, after making such inquiry as may be prescribed, the Tribunal is satisfied that the proposed surrender is *bona fide* and the land surrendered does not exceed the extent of land which the landlord could have resumed from his tenant under section 14; in other cases, the permission shall be refused.

(3) Where permission is refused in any case, and the tenant gives a declaration in writing relinquishing his rights in the land, such land shall be deemed to be surplus land and the provisions of sections 65 to 79 shall *mutatis mutandis* apply to such land as if such land were surplus land in excess of the ceiling laid down in section 63 or section 64."

12. Amendment of section 42.—In sub-section (4) of section 42 of the principal Act, for the words and figures "Indian Limitation Act, 1908", the words and figures "Limitation Act, 1963" shall be substituted.

13. Amendment of section 44.—In sub-section (1) of section 44 of the principal Act, for the words "all lands leased to permanent tenants", the words, figures, brackets and letter "all lands leased to permanent and other tenants referred to in the first proviso to clause (29) of sub-section (A) of section 2" shall be substituted.

14. Amendment of section 45.—In section 45 of the principal Act,—

(1) In sub-section (1), the words "in respect of lands in the Bombay, Mysore and Hyderabad Areas and Coorg

District and to a ryotwari patta in the Madras Area and Bellary District" shall be omitted ;

(2) in sub-section (2), the words "or for ryotwari patta" shall be omitted ;

(3) in sub-sections (3), (4), (5), and (6), the words "or to a ryotwari patta" shall be omitted.

15. Amendment of section 46.—In section 46 of the principal Act, the words "or holder of a ryotwari patta" shall be omitted.

16. Amendment of section 47.—In sub-section (1) of section 47 of the principal Act, for the words "The land-owner", the words and figures "Save as provided in section 106, the land-owner" shall be substituted.

17. Amendment of section 48.—In section 48 of the principal Act,—

(1) in clause (a) of sub-section (1), the words "or to ryotwari pattas, as the case may be", shall be omitted;

(2) in sub-section (2), the words "or to have a ryotwari patta, as the case may be" shall be omitted ;

(3) in sub-section (3), the words "or to have a ryotwari patta" and "or to have a ryotwari patta, as the case may be" shall be omitted ;

(4) in sub-section (4), the words "or to have a ryotwari patta, as the case may be", "or to a ryotwari patta, as the case may be", and "or granted a ryotwari patta" shall be omitted ;

(5) in clause (b) of sub-section (5), the words "or to ryotwari pattas, as the case may be" shall be omitted.

18. Amendment of section 49.—In section 49 of the principal Act, the words "or to a ryotwari patta, as the case may be" shall be omitted.

19. Amendment of section 50.—In sub-section (1) of section 50 of the principal Act, after the words "the encumbrance in respect of such land shall", the words and figures "save as provided in section 106" shall be inserted.

20. Amendment of section 51.—In section 51 of the principal Act,—

(1) for the words "The compensation", the words and figures "Save as provided in section 106, the compensation" shall be substituted;

(2) in clause (a), for the words "ten thousand rupees", the words "two thousand rupees" shall be substituted; and

(3) in clause (b), for the words "ten thousand rupees" in the two places where they occur, the words "two thousand rupees" shall be substituted.

21. Amendment of section 53.—In sub-section (1) of section 53 of the principal Act, the words "or to a ryotwari patta" shall be omitted.

22. Amendment of section 54.—In sub-section (1) of section 54, of the principal Act, the words "or to a ryotwari patta" shall be omitted.

23. Amendment of section 55.—In section 55 of the principal Act,—

(1) in sub-section (1), the words "or has become a holder of a ryotwari patta" and "or grant of ryotwari patta, as the case may be" shall be omitted;

(2) in sub-section (2), the words "or to a ryotwari patta" shall be omitted.

(3) in sub-section (3), the words "or to a ryotwari patta, as the case may be," shall be omitted.

24. Amendment of section 56.—In section 56 of the principal Act, the words "or to a ryotwari patta, as the case may be," shall be omitted.

25. Amendment of section 57.—In sub-section (1) of section 57 of the principal Act,—

(i) for the words "a serving member of the Armed Forces", the words "a soldier in service in the Armed Forces of the Union or a seaman" shall be substituted ;

(ii) for clause (iii), the following clauses shall be substituted, namely :—

"(iii) by a soldier within one year from the date on which he is released from the Armed Forces or is sent to the Reserve ;

(iv) by a seaman, within one year from the date on which he ceased to be a seaman."

26. Amendment of section 59.—In section 59 of the principal Act, the words "or to a ryotwari patta" shall be omitted.

27. Amendment of section 60.—In section 60 of the principal Act, the words "or granted a ryotwari patta" shall be omitted.

28. Amendment of section 61.—In section 61 of the principal Act,—

(1) in sub-section (1), the words "or ryotwari patta" shall be omitted ;

(2) in sub-section (2), the words "or holder of ryotwari patta" shall be omitted.

29. Amendment of section 62.—In section 62 of the principal Act, the words "or granted a ryotwari patta" and the words "or grant" in the two places where they occur shall be omitted.

30. Amendment of section 63.—In section 63 of the principal Act,—

(1) in the explanation to clause (a) of sub-section (5), after the words "fruit bearing trees", the words "other than coconut and arecanut trees" shall be inserted ;

(2) after sub-section (6), the following sub-section shall be inserted, namely :—

"(6A) Notwithstanding anything contained in the preceding sub-sections, if any person has, after the 18th November 1961 and before the appointed day transferred any land, then in calculating the ceiling area which that person is entitled to hold, the area so transferred shall be taken into consideration, and land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area, notwithstanding that the land remaining with him may not in fact be in excess of the ceiling area.

If by reason of such transfer the person's holding is less than the area so calculated to be in excess of the ceiling area, then all his land shall be deemed to be surplus land, and the provisions of sections 66 to 76 shall, as far as may be apply to the surrender to, and vesting in, the State Government, of such excess land.

Explanation.—For the purposes of this sub-section, a land shall be deemed to have been transferred, if it has been transferred by act of parties (whether by sale, gift, mortgage with possession, exchange, lease or any other disposition) made *inter vivos.*"

31. Amendment of section 66.—In section 66 of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

"Provided that if a person holding land in such area is a soldier in service in the Armed Forces of the Union or a seaman, a declaration shall be filed within two years from the date notified under clause (a) or clause (b), as the case may be".

32. Amendment of section 77.—In section 77 of the principal Act, the words "or as holder of ryotwari patta" shall be omitted.

33. Insertion of new section 81A.—After section 81 of the principal Act, the following section shall be inserted, namely :—

"**81A. Declaration to be made before the registering authority in certain cases.**—(1) No documents relating to any transfer of land either by sale, gift, exchange, lease, mortgage surrender, agreement, settlement, or otherwise, shall be registered unless a declaration in writing is made in duplicate in such form as may be prescribed and filed by the transferee before the registering authority under the Indian Registration Act, 1908 (Central Act XVI of 1908), as to the total extent of land held by him.

(2) The registering authority referred to in sub-section (1) shall forward within such time and in such manner as may be prescribed, one copy of the declaration referred to in sub-section (1) to the prescribed officer, within whose jurisdiction the land which is the subject matter of the transfer or the major part thereof is situated.

(3) On receipt of the copy of the declaration under sub-section (2), the prescribed officer may obtain such information as may be necessary and take such action as he deems fit in acordance with the provisions of this Act, and in accordance with such rules as may be made in this behall."

34. Amendment of section 104.—In the explanation to section 101 of the principal Act,—

(i) in clause (ii), the words "not exceeding one hundred acres in extent" shall be omitted ;

(ii) in clause (iii), the words "not exceeding one ceiling area" shall be omitted.

35. Amendment of section 107.—In section 107 of the principal Act,—

(1) in the heading for the words "Government lands" the words "Government or Government managed or controlled lands" shall be substituted ;

(3) for the words "from Government", the words "from the Government or lands belonging to or held on lease from religious or charitable institutions managed by or under the control of the State Government" shall be substituted;

36. Amendment of section 111.—In section 111 of the principal Act, the explanation shall be omitted.

37. Amendment of section 115.—In sub section (2) of section 115 of the principal Act, for the words and figures "the Mysore Land Revenue Code, 1888, or the corresponding law in force in any area of the State", the words and figures "the Mysore Land Revenue Act, 1964" shall be substituted.

38. Amendment of section 116.—In sub-section (2) of section 116 of the principal Act, for the words and figures "the Mysore Land Revenue Code, 1888, or any corresponding law in force in any area of the State", the words and figures "the Mysore Land Revenue Act, 1964" shall be substituted.

39. Amendment of section 122.—In section 122 of the principal Act, for the words and figures "Indian Limitation Act, 1908", the words and figures "Limitation Act, 1963" shall be substituted.

40. Amendment of section 125.—In section 125 of the principal Act,—

(1) after sub-section (2), the following sub-sections shall be inserted, namely :—

"(2A) If any person who is under an obligation to furnish any return or information under this Act or any rule made thereunder, furnishes any return or information which he knows or has reason to believe to be false, he shall, on conviction by a magistrate, be punished with fine which may extend to one thousand rupees.

(2B) If any person makes any declaration before the registering authority under sub-section (1) of section 81A, which he knows or has reason to believe to be false, he shall, on conviction by a magistrate, be punished with fine which may extend to one thousand rupees.

(2C) If any person contravenes any provision of this Act which is not punishable under any of the preceding sub-sections or wilfully contravenes any lawful order passed under this Act, he shall on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

(2D) If any person, after the date of vesting in the Government of any land under any provision of this Act and before the disposal of such land under this Act, cuts or causes to be cut, trees on the land, or removes or causes to be removed any building, machinery, plant or apparatus constructed, erected or fixed on the land and used for agricultural purposes, or does or causes to be done any act likely to diminish the utility of the land, he shall, on conviction by a magistrate, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both." ;

(2) in sub-section (3), after the words and figures "section 41", the words, figure, brackets and letter "or an offence punishable under sub-section (2D)" shall be inserted.

41. Amendment of section 137.—In section 137 of the principal Act, after sub-section (2), the following sub-section shall be added, namely :—

"(3) In making rules under this section, the State Government may provide that a contravention of any rule shall be punishable with fine which may extend to one hundred rupees.

"(4) A rule under this Act may be made with retrospective effect and when such rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the Legislature. Subject to any modification made under section 140, every rule made under this Act shall have effect as if enacted in this Act."

42. Amendment of section 142.—In section 142 of the principal Act,—

(i) in sub-section (1) in the first proviso, the words "save as provided in this Act" shall be omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) Notwithstanding anything contained in sub-section (1) or in any law in force in any area of the State of Mysore at any time before the commencement of this Act, the first proviso to the said sub-section or any other provision of law shall not be applicable in so far as the said proviso or provision of law will enable any person to evict from any agricultural land any agriculturist protected from eviction from any land in his possession by the Mysore Tenants (Temporary Protection from Eviction) Act, 1961, and no such agriculturist shall be liable to be evicted from such land except in accordance with the provisions of this Act."

43. Amendment of Schedule III.—In Schedule III to the principal Act, after item 10, the following item shall be added, namely :—

"11. The Mysore Tenants (Temporary Protection from Eviction) Act, 1961 (Mysore Act 37 of 1961)."

Statement of Objects and Reasons.

It is considered necessary to make certain amendments as suggested by the Government of India, to the Mysore Land Reforms Act 1961, before the Act is brought into force. Hence the Bill. The more important amendments are the following :—

(1) Transfers made after the passing of the Mysore Land Reforms Bill, 1 61 by the State Legislature, *i. e*, 18th November 1961, will be disregarded both for purposes of determining the extent of land for resumption as also for determining the ceiling area.

(2) In respect of the right of resumption, the rights of landlords to resume land will be limited in the Bombay Area to cases in which notices have been given within the prescribed period under the Bombay Tenancy and Agricultural Lands Act, 1948, and in the Hyderabad Area to cases in which declarations have been made within the prescribed period under the Hyderabad Tenancy and Agricultural Lands Act, 1950, and the extent of land resumable will be determined in accordance with the aforesaid Acts.

(3) As regards restoration of possession to a tenant dispossessed from land held by him, the requirements that he should have held the land for a period of six consecutive years before the 10th day of September 1961 will be deleted, in order to enable tenants who may not satisfy this requirement to get possession restored.

(4) Special provisions made in favour of the members of the Armed Forces of the Union are made applicable to personnel of the Merchant Navy, and in the case of any member of the Armed Forces of the Union who dies while engaged in operations for the defence of India, such member's spouse, child and grand child dependant upon such member will also be governed by such special provisions.

(5) As regardes surrenders to which section 25 of the Act is applicable, provision is made that the landlord will

be permitted to accept surrenders only to the extent to which he could have resumed the land, the excess land being treated as surplus land.

(6) The amount of compensation payable in cash under section 51 will be limited to two thousand rupees instead of ten thousand rupees.

(7) As regards plantations, the limit of one hundred acres for development of plantation fixed in clause (ii) of the explanation to section 104 will be deleted, and the limitation on the interspersed land specified by clause (iii) of the same explanation will also be deleted.

(8) Exemption granted to Government lands under section 107 will also be granted to lands belonging to or held on lease from religious and charitable institutions managed by or under the control of the Government.

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Memorandum Regarding Delegated Legislation.

Clause 11.—Sub-section (2) of new section 25 proposed to be inserted by this clause, provides for rules being made regarding the nature of enquiry to be made by the Tribunal before granting permission under sub-section (1).

Clause 33.—New section 81A proposed to be inserted by this clause provides for rules being made regarding,—

(i) the form of declaration to be made and filed by the transferee before the registering authority ;

(ii) the time within which and the manner in which, and the officer to whom one copy of the declaration should be forwarded by the registering authority ;

(iii) action to be taken by the prescribed officer and the information to be obtained by him after the receipt of the copy of the declaration.

Clause 41.—Under sub-sections (3) and (4) proposed to be added to section 137 by this clause, power is conferred on the State Government to make rules providing for punishment for contravention of any rule and to make rules with retrospective effect, the reasons for making such a rule being specified in a statement laid before both Houses of the Legislature.

The proposed delegation of legislative power is of a normal character.

M. V. KRISHNAPPA.

T. HANUMANTHAPPA,
Secretary,
Mysore Legislature.